

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

VERMONT MUTUAL INSURANCE COMPANY,  
a/s/o ROBERT and NANCY MCNEIL, and  
ROBERT and NANCY MCNEIL,  
Plaintiffs,

v.

C.A. No. 04CV12257NG

HAMILTON BEACH PROCTOR-SILEX, INC.,  
Defendant.

DEFENDANT'S INITIAL DISCLOSURE

Pursuant to Fed. R. Civ. P. 26 (a) (1) and Local Rule 26.2 (A), the Defendant, Hamilton Beach Proctor-Silex, Inc. (hereinafter "HBPS") hereby makes this Initial Disclosure. This Disclosure is based upon the information now available to the Defendant and its counsel.

A. Individuals with Discoverable Information

At this time the Defendant is aware that the following individuals are likely to and/or may have discoverable information relevant to the above-captioned matter:

1. Nancy McNeil, Plaintiff, 48-50 Princeton Street, Medford, MA 02155, is likely to have information regarding the details of how the fire occurred.
2. Robert McNeil, Plaintiff, 48-50 Princeton Street, Medford, MA 02155, is likely to have information regarding the details of how the fire occurred.
3. John Doyle, last known address, 48-50 Princeton Street, Medford, MA 02155, is likely to have information regarding the details of how the fire occurred.
4. John J. Datovech, P.E., C.F.E.I., Senior Staff Engineer, Hamilton Beach Proctor-Silex, Inc., 4421 Waterfront Drive, Glen Allen, VA 23060, is familiar with the design and function of the subject toaster.

- B. Documents, Data Compilations and Tangible Things
1. Design drawings for the subject toaster.
  2. UL Standards for the subject toaster.
  3. Photographs of the fire scene, toaster and other evidence.
  4. Subject toaster.
  5. Exemplar toaster.
  6. Kellogg Strawberry Pop-Tart remnants.
  7. Exemplar packaging for Kellogg Strawberry Pop-Tarts.
  8. Toaster Owners Manual.

The Defendant,  
By its Attorneys,

  
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Scott J. Tucker - BBO#503940  
Tucker, Heifetz & Saltzman, LLP  
Three School Street  
Boston, Massachusetts 02108  
(617) 557-9696

**CERTIFICATE OF SERVICE**  
I hereby certify that I made service  
of the foregoing document in accordance  
with the provisions of Fed. R. Civ. P. 5.

12-16-05 